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C O N F I D E N T I A L SECTION 01 OF 03 MANAMA 000434

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STATE FOR NEA/ARN, ISN/CB, L
OSD FOR NONPROLIFERATION POLICY - DR. COOPER

E.O. 12958: DECL: 03/15/2016

TAGS: [PARM](#) [PREL](#) [MARR](#) [BA](#) [BILAT](#)

SUBJECT: SUGGESTED BAHRAINI EDITS AND REVISIONS TO CWC HOST
COUNTRY AGREEMENT MOU

REF: A. MANAMA 0301

[B](#). MANAMA 0165

[C](#). STATE 17334 AND PREVIOUS

Classified by DCM Susan L. Ziadeh for reasons 1.4 (b) and (d).

[1](#). (C) MFA Director for International Organization Affairs Ghassan Shaikho told Pol/Econ Chief March 15 that in preparing the final text of the Chemical Weapons Convention Host Country Agreement Memorandum of Understanding (MOU), the Bahraini side had uncovered several areas that it would like to edit or revise. Bahrain seeks USG concurrence or feedback for each suggested change or question.

[2](#). (C) Shaikho said Foreign Minister Shaikh Khalid and the Ambassador would sign two copies of the MOU, both with the same text. The "Bahraini" agreement, however, would have Bahrain listed first in each instance referring to the two countries, while the "American" text would list the U.S. first each time. This occurs four times in the text: three times in the preamble and at the concluding signature blocks. Additionally, references to Bahrain should say "the Kingdom of Bahrain." The original preamble reads as:

Memorandum of Understanding between the Government of the United States of America and the Government of Bahrain concerning the conduct of challenge inspections pursuant to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction.

The Government of the United States of America and The Government of Bahrain, bearing in mind the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, opened for signature on 13 January 1993 (hereinafter referred to as the Convention), including in particular Article IX of the Convention and its Parts II and X of the Annex on Implementation and Verification (hereinafter referred to as the Verification Annex);

Desiring to develop procedures to apply in cases in which a challenge inspection may affect the interests of both the United States of America and Bahrain;

Bahrain's suggested revisions in these three paragraphs are:

Memorandum of Understanding between the Government of the Kingdom of Bahrain and the Government of the United States of America concerning the conduct of challenge inspections pursuant to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction.

The Government of the Kingdom of Bahrain and The Government of United States of America, bearing in mind the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, opened for signature on 13 January 1993 (hereinafter referred to as the Convention), including in particular Article IX of the Convention and its Parts II and X of the Annex on Implementation and Verification (hereinafter referred to as the Verification Annex);

Desiring to develop procedures to apply in cases in which a challenge inspection may affect the interests of both the Kingdom of Bahrain and the United States of America;

[3](#). (C) The original of the signature blocks reads as:

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA

FOR THE GOVERNMENT OF THE KINGDOM OF BAHRAIN

Bahrain's suggested revision is:

FOR THE GOVERNMENT OF THE KINGDOM OF BAHRAIN

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA

The suggested revisions in paras 2 and 3 are only/only for the "Bahraini" version of the agreement; the U.S. version would continue to list the United States before Bahrain.

14. (C) Part II, Para 2, Bahrain suggests changing the word "should" to "will." The original text is:

12. Based on the principle of territorial sovereignty, which is a basic principle reflected in the Convention and its integral parts, Bahrain should exercise the rights and fulfill the obligations in the Convention as the designated inspected State Party or as the host state, as appropriate. For inspections within the scope of this Memorandum, the United States, with regard to assets of the United States, should exercise the rights and fulfill the obligations of an inspected State Party in accordance with the provisions of the Convention for those assets.

Bahrain's suggested revisions are:

12. Based on the principle of territorial sovereignty, which is a basic principle reflected in the Convention and its integral parts, Bahrain will exercise the rights and fulfill the obligations in the Convention as the designated inspected State Party or as the host state, as appropriate. For inspections within the scope of this Memorandum, the United States, with regard to assets of the United States, will exercise the rights and fulfill the obligations of an inspected State Party in accordance with the provisions of the Convention for those assets.

15. (C) In Part IV, Para 1, bullet B, Shaikho asks whether the U.S. wants both the United States Nuclear Risk Reduction Center and the United States Central Command Joint Operations Center listed as the notification point of contact, or just one of them. He requests our clarification. Shaikho will seek his Minister's input on who the GOB contact will be, per Part IV, Para 1, bullet C.

16. (C) In Part IV, Para 7, bullet A, the original text of the final two sentences read as:

Unless otherwise mutually determined, the inspected State Party should exclude equipment not identified by those documents or devices, including equipment that has been altered. Such equipment should be stored at the point of entry.

Bahrain proposes a change in format and an additional clarification:

Unless otherwise mutually determined, the inspected State Party should exclude:

- (i) equipment not identified by those documents or devices;
- (ii) equipment that has been altered or whose specifications are materially different from those set out in the said documents or devices.

Such equipment should be stored at the point of entry.

17. (C) In Part IV, Para 8, bullet B, Shaikho has a question about the 50 meter band (no change in text, a question only). He understands that the 50 meter band is beyond the inspectable area. Are inspectors permitted to look into facilities, entities or structures that fall outside the inspectable area but within the 50 meter band? What should be the U.S. and/or Bahraini response if inspectors attempt to look into facilities, entities, or structures within the 50 meter band but outside the inspectable area?

18. (C) In Part V, Para 1, bullet B, the original text of the final sentence reads as:

In the event the United States is the inspected State Party, the United States intends to advise the Technical Secretariat about our preference for on-site analysis as well as considerations in selecting appropriate OPCW- designated laboratories, should we agree to that course of action for assets under our control.

Bahrain's suggested revisions are:

In the event the United States is the inspected State Party, the United States intends to advise the Technical Secretariat of its preference for on-site analysis as well as considerations in selecting appropriate OPCW- designated laboratories, should the United States agree to that course of action for assets under its control.

19. (C) In Part V, Para 2, bullet C, the original text says:

The inspected State Party should ensure that the other

Participant has up to 108 hours from the inspection team's arrival at the point of entry before the other Participant must provide the inspection team access to its assets inside the perimeter.

Shaikho asks how we arrived at a figure of 108 hours. He says that in Bahrain's reading of the CWC, the time range for allowing the inspection team entry to the inspection zone is between 12 and 36 hours after arrival. He suggested that Bahrain could likely find excuses to delay entry for 108 hours, but he is not clear on how we came up with that number. Please provide a timeline to explain the figure.

¶10. (C) In Part VI, Para 1, the first sentence reads as:

In the case of any challenge inspection in which any part of an asset of the other Participant is within the inspectable area, the inspected State Party should provide the other Participant with a copy of the preliminary inspection report within 24 hours of receipt and a copy of the draft final inspection report within 48 hours of receipt from the Technical Secretariat.

Shaikho again asks how we arrived at 24 and 48 hours to pass copies of the preliminary inspection report and the draft final inspection report, respectively. He suggested no alternate text, but commented that both these periods appear to be longer than necessary.

¶11. (C) In Part VII, the original text reads as:

The Participants should consult to consider joint or independent statements to the press, the requesting State Party, the Executive Council, the Conference of the States Parties, the Technical Secretariat, or other States Parties to the Convention. The Participants should also discuss relations with the media.:

Bahrain's suggested revision is:

The Participants should consult and coordinate with regard to joint or independent statements to the press, the requesting State Party, the Executive Council, the Conference of the States Parties, the Technical Secretariat, or other States Parties to the Convention. The Participants should also discuss relations with the media.

His concern on this point is that the Bahraini side could lag the U.S. in developing public affairs materials. A firmer statement to coordinate provides more certainty that the GOB will at least know about U.S. public affairs actions, even if Bahrain is not yet ready to engage the media.

¶12. (C) The original signature block says:

Signed at this XXXX day of YYYY 2006, in the English and Arabic languages.

Shaikho said the Foreign Minister had not yet decided whether the agreement needed to be signed in both Arabic and English, or in English only. He said one possibility was for the agreement to be concluded in English only and the Bahraini side would translate it into Arabic for internal use only. If the Minister decides on this course of action, the GOB would give the Arabic translation to us for review and comment, even if it is not binding.

¶13. (C) Please provide guidance on Shaikho's suggested revisions and questions.

MONROE